

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Linda Ann Tyler,

Petitioner,

v.

Diantha Litwer, Grievance Court, et. al,

Respondents.

C/A No. 2:19-2215-CMC

ORDER

This matter is before the court on a Petition for Writ of Mandamus, requesting the court produce receipts of installment payments received from Petitioner for her filing fees in previous cases. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2), D.S.C., this matter was referred to United States Magistrate Judge Mary Gordon Baker for pre-trial proceedings and a Report and Recommendation (“Report”) on dispositive issues.

On October 3, 2019, the Magistrate Judge issued a Report recommending the Petition be dismissed for failure to prosecute for failing to pay the filing fee or apply to proceed *in forma pauperis*, or, in the alternative, for failure to state a claim for mandamus. ECF No. 8.¹ The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if she failed to do so. The court received Plaintiff’s objections on October 28, 2019. ECF No. 10.

¹ The Magistrate Judge also entered an Order directing the Clerk of Court’s Finance Department to mail to Petitioner “printouts showing payments received and balances on all accounts she has with the court.” ECF No. 7. Finance confirmed this was done after it received the Order.

In her objections and letter to the court, Petitioner notes she has not yet received the records from the Finance Department. ECF No. 10 at 1. She states the only way she would “receive a receipt is if I get a court order, from the courts, to have my account statements.” *Id.* at 2. She argues “all my donations are being taken from me to pay these claims which I’ve already paid because my sentence is guilty but mentally ill.” *Id.* at 3.

The court agrees with the Magistrate Judge Petitioner does not state a claim for mandamus. In addition, although she seeks a court order for her account statement, one has already been entered by the Magistrate Judge. Petitioner asserts she has not yet received these records; however, the Finance Department confirmed such records were sent to Petitioner, and another copy would be mailed. Her Petition for Writ of Mandamus is denied.²

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
October 29, 2019

² The court also notes Petitioner filed a similar motion in a previously filed civil case, and this court obtained the Case Inquiry Report from the Financial Department and sent it to Petitioner with its Order. See C/A 8:02-cv-3146 at ECF No. 42.